

**REMARKS**

The present amendments are intended to place the application in condition for allowance based on the indications of allowability provided in the official action.

**1. Overview of amendments**

Claims 3, 8 and 9 (depending from claim 1) were indicated to be allowable if rewritten in independent form. Consequently, claim 1 has been rewritten to incorporate the features of claim 3, and claim 3 has been canceled. Claims 4 and 5, which previously depended from claim 3, have been amended to depend from claim 1. Claim 8 has been rewritten in independent form, and claim 9 has been rewritten in independent form. New claims 87-91 depend from claim 8, and are essentially the same as claims 10-14 which depend from claim 9.

Claims 59-65 and 73-79, which were rejected, have been amended so as to depend from claim 13, which depends from claim 9.

Claims 17, 22 and 23 (depending from claim 15) were also indicated to be allowable if rewritten in independent form. These claims are parallel to claims 3, 8 and 9, and have been amended in an analogous fashion. Specifically, claim 15 has been rewritten to incorporate the features of claim 17, and claim 17 has been canceled. Claims 18 and 19, which previously depended from claim 17, have been amended to depend from claim 15. Claim 22 has been rewritten in independent form, and claim 23 has been rewritten in independent form. New claims 92-96 depend from claim 22, and are essentially the same as claims 24-28 which depend from claim 23.

Claims 66-72 and 80-84, which were rejected, have been amended so as to depend from claim 27, which depends from claim 23.

Claims 29-58 were previously allowed.

Independent method claims 1, 8, 9 and 29 have been further amended to overcome the rejection under Section 101, as described below.

No new matter is added.

For the convenience of the U.S.P.T.O., applicants have attached hereto a clean copy of the claims as amended. These claims retain their current numbering but are rearranged so that all claims depending from an independent claim are grouped together.

## **2. Rejections**

### Section 101

All method claims were rejected under section 101 as relating to steps of an abstract idea that are not technologically embodied. All method claims have now been amended to specify that they pertain to a method in a programmable computing device that involves execution of the processing specified in the claim. These amendments specify a concrete and tangible means by which the method achieves practical application, and limits the method to execution by a programmable computing device.

In addition, all method claims are amended to specify transformative processes that produce a useful, concrete and tangible result. In particular, claims 1, 8 and 9 are amended to specify the creation of data that represents a ranking of programming events. Claim 29 is amended to specify the creation of data that represents an alert schedule. This data is useful for the reasons that are evident from the application, and the creation of this data by the claimed methods is a transformation of other data (such as programming event metadata and viewer preference data) that produces a concrete and tangible result.

For these reasons the present claims now recite statutory processes.

### Prior Art Rejections

As a result of the present amendments, all claims now depend from claims that were indicated to be allowable, making all claims allowable.

The application is now in condition for allowance. The examiner is invited to contact the undersigned to resolve any remaining issues.

Respectfully submitted,

Date: 11 August 2004

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